

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**LASHUNDRA JACKSON,**

**Plaintiff,**

**v.**

**STATE OF ALABAMA DEPARTMENT OF  
TRANSPORTATION, JOE MCINNES, *etc.*,**

**Defendants.**

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**CASE NO. 2:07-cv-645-MEF**

**MOTION TO TRANSFER VENUE**

COME NOW Defendants, the State of Alabama Department of Transportation (hereinafter referred to as “ALDOT”) and State Transportation Director D.J. “Joe” McInnes, and respectfully move this Court to transfer venue from the United States District Court for the Middle District of Alabama to the United States District Court for the Southern District of Alabama. As grounds therefor, Defendants show the following:

1. This action is based on alleged violations of Title VII (42 U.S.C. § 2000e, *et seq.*) and 42 U.S.C. §§ 1981 and 1983 and was brought in the United States District Court for the Middle District of Alabama. See Plaintiff’s Complaint (Doc No. 1).

2. “For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C § 1404(a).

3. The Southern District of Alabama, which includes Mobile County, Alabama, is more convenient to all parties involved in this action.

4. Virtually all of the fact witnesses are located at ALDOT’s Ninth Division office in Mobile County, Alabama.

5. Plaintiff Jackson resides in Mobile County, Alabama.

6. Neither counsel for Plaintiff nor counsel for Defendants would be inconvenienced by transferring venue inasmuch as Plaintiff's counsel is located in Austin, Texas, and Defendants' counsel are located in Montgomery, Alabama.

7. The venue provisions of Title VII provide for filing:

...in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office.

42 U.S.C. § 2000e-5(f)(3). Claims under 42 U.S.C. §§ 1981 and 1983 follow the same venue provisions.

8. Plaintiff alleges that the unlawful employment practices occurred in the Department's Ninth Division Office in Mobile, Alabama. (Doc. No. 1.)

9. ALDOT's Ninth Division office in Mobile, Alabama, maintains and administers Plaintiff's personnel records.

10. Plaintiff was employed by ALDOT's Ninth Division office in Mobile, Alabama, which is located in the Southern District of Alabama.

WHEREFORE, the above premises considered, Defendants pray that this Honorable Court transfer venue from the United States District Court for the Middle District of Alabama to the United States District Court for the Southern District of Alabama.

RESPECTFULLY SUBMITTED  
TROY KING  
ATTORNEY GENERAL

s/ Andrew W. Redd  
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Assistant Attorney General  
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<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	<b>CASE NO. 2:07-cv-645-MEF</b>
<b>STATE OF ALABAMA DEPARTMENT OF</b>	)	
<b>TRANSPORTATION, JOE MCINNES, <i>etc.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on **August 7, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system, which will send notification to the following:

Mr. Kell A. Simon, Esq.  
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s/ Andrew W. Redd  
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